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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,828	07/31/2008	Roger John Steadman	132220.00101	7361

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EXAMINER

CROUSE, BRETT ALAN

ART UNIT	PAPER NUMBER
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1786

MAIL DATE	DELIVERY MODE
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12/20/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,828	Applicant(s) STEADMAN, ROGER JOHN	
	Examiner BRETT A. CROUSE	Art Unit 1786	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-4,6,7,9-23 and 25-31 is/are pending in the application.
- 5a) Of the above claim(s) 17-23 and 25-31 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-4,6,7 and 9-16 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060822</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Claims 17-23 and 25-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 18 October 2011.

2. Applicant's election with traverse of Group I, claims 1-4, 6, 7, and 9-16, in the reply filed on 18 October 2011 is acknowledged. The traversal is on the ground(s) that the required search of the prior art significantly overlaps both inventions and therefore does not present and undue burden upon the examiner. This is not found persuasive because methods of treating textiles is classified separately from polymer compositions, thus, resulting in an undue burden upon the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on 18 November 2003. It is noted, however, that applicant has not filed a certified copy of the GB 0326815.8 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6, 7, and 9-16 rejected under 35 U.S.C. 102(a) and 35 U.S.C. 102(e) as being anticipated by Bennett et al., US 2004/0072719.

Bennett teaches:

As to claims 1, 2, 3, 11, 13:

Abstract, teaches a polymeric encapsulated fragrance in which the coating comprises a mixture of cationic polymers formed as a reaction product of polyamines and (chloromethyl) oxirane or (bromomethyl) oxirane.

As to claims 4, 6:

Paragraph [0008], teaches the encapsulation coating comprises a 1H-imidazole polymer with (chloromethyl oxirane) and 1,6-hexane diamine, N-(6-aminohexyl)-polymer with (chloromethyl) oxirane. The passage additionally teaches a polymer comprising 1,6-hexane diamine, N-(6-amino-hexyl) with (chloromethyl) oxirane is a preferred material.

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As to claims 9, 16:

Paragraphs [0064]-[0065], teach water as a solvent. Water can be used alone or in combination with additional solvents. Suitable additional solvents are recited. The passage additionally teaches mixing the solution with suspension of the fragrance capsules.

As to claim 10:

Paragraphs [0076]-[0077], Example 2, teach the formation of a melamine-formaldehyde slurry. The cationic polymer composition is added to the melamine-formaldehyde composition to form the finished cationic capsule slurry.

The melamine-formaldehyde slurry contains prior to the addition of the cationic polymer composition 32 wt% fragrance, 57 wt% water, and 11 wt% poly acrylamide, acrylic acid, melamine resin. (A)

After the addition of the cationic polymer composition (B) the fragrance is present in the amount of 25.6 wt% and water is present in the amount of 56.9 wt%.

Assuming a starting mass of 100g of (A) the final mass of (A) + (B) necessary to result in a final percentage of fragrance of 25.6 wt% is:

$$(32/25.6) \times 100 = 125\text{g final weight of (A) + (B)}$$

25g (B) is added to form the finished cationic capsule slurry.

The amount of water added as part of composition (B) necessary to result in a final percentage of water of 56.9 wt% is:

$$125\text{g} \times (56.9/100) = 71.125\text{g of water total in (A) + (B)}$$

$$71.125\text{g} - 57\text{g water in (A)} = 14.125\text{g of water in composition (B)}.$$

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The percentage of the cationic polymer composition (B) composed of water is:

$$(14.125/25) \times 100 = 56.5 \text{ wt\%}$$

The percentage of the cationic polymer composition (B) composed of the polymer(s) is:

$$100 \text{ wt\%} - 56.5 \text{ wt\%} = 43.5 \text{ wt\%}$$

As to claim 7:

Paragraphs [0076]-[0077], Example 2, teach the formation of a melamine-formaldehyde slurry. The cationic polymer composition is added to the melamine-formaldehyde composition to form the finished cationic capsule slurry.

As shown above the percentage of water present in the oxirane co-polymer composition is 56.5%

With regard to the amount of diamine and oxirane co-polymer present

Paragraph [0054], teaches the preferred weight ratio of the imidazole polymer to the diamine is about 25:75 to about 75:25. (1:3 to 3:1)

Instant claim 7 requires 5-25% imidazole co-polymer and 25-45% diamine resulting in a ratio of (1:9 to 1:1)

As to claim 12:

Paragraph [0016], teaches fragrance materials having a low solubility, such as highly hydrophobic materials are preferred.

As to claim 14:

Paragraph [0025], teaches the capsule/particle size is preferably 50 nanometers to 100 microns. Due to the range of values disclosed and high degree of overlap with the

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claimed range, one of ordinary skill in the art would at once envisage a capsule/particle size of less than 50 microns.

As to claim 15:

Paragraph [0023], teaches additional additives can be incorporated into the coating composition.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett A. Crouse whose telephone number is (571)-272-6494. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer A. Chriss can be reached on (571)-272-7783. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. C./
Examiner, Art Unit 1786

/Jennifer A Chriss/
Supervisory Patent Examiner, Art Unit 1786